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*Counsel to Those Certain Post-Closing Accident
Plaintiffs Represented By Butler Wooten & Peak LLP,
Denney & Barrett, P.C., Hilliard Muñoz Gonzales L.L.P.,
and Turner & Associates, P.A.*

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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| | : | |
| In re: | : | Chapter 11 |
| MOTORS LIQUIDATION COMPANY, et al., | : | Case No.: 09-50026 (MG) |
| f/k/a General Motors Corp., et al., | : | |
| | : | |
| Debtors. | : | (Jointly Administered) |
| -----X | : | |

STATEMENT OF ISSUES AND DESIGNATION OF RECORD ON APPEAL

By and through the undersigned counsel, those certain Post-Closing Accident Plaintiffs¹ represented by Butler Wooten & Peak LLP, Denney & Barrett, P.C., Hilliard Muñoz Gonzales L.L.P., and Turner & Associates, P.A. submit this Statement of Issues and Designation of Record on Appeal pursuant to Rule 8009(a) of the Federal Rules of Bankruptcy Procedure with respect to their appeal from the from the *Memorandum Opinion and Order Deciding Certain 2016 Threshold Issues*, dated July 12, 2017 (ECF No. 13992) (the “**Order**”), and respectfully state as follows:

¹ Capitalized terms not otherwise defined herein shall have the meanings given to them in the Order (defined below).

STATEMENT OF ISSUES

This appeal by the those certain Post-Closing Accident Plaintiffs represented by Butler Wooten & Peak LLP, Denney & Barrett, P.C., Hilliard Muñoz Gonzales L.L.P., and Turner & Associates, P.A. addresses the following issues:

- 1) Did the Bankruptcy Court err in holding that Non-Ignition Switch Post-Closing Accident Plaintiffs with personal injury and wrongful death claims sustained in automobile crashes that occurred after July 10, 2009, involving used cars manufactured by Old GM were barred from asserting successor liability claims against New GM?
- 2) Did the Bankruptcy Court err in holding that Non-Ignition Switch Post-Closing Accident Plaintiffs with personal injury and wrongful death claims sustained in automobile crashes that occurred after July 10, 2009, involving used cars manufactured by Old GM had no greater rights than the prior owners or original purchasers of the subject vehicles in circumstances in which the prior owner or original owner of the subject vehicle had not sustained a crash and was not a tort claimant of Old GM at the time of the closing of the 363 Sale?
- 3) Did the Bankruptcy Court err in holding that, even if the Non-Ignition Switch Post-Closing Accident Plaintiffs were future claimants whose successor liability claims against New GM could not be barred by the Sale Order, those claimants could not under any circumstances recover punitive damages from New GM as the successor to Old GM?
- 4) Did the Bankruptcy Court err in holding that successor liability claims by Non-Ignition Switch Post-Closing Accident Plaintiffs against New GM for punitive damages based upon the conduct of Old GM are barred because Old GM was insolvent and/or by the Bankruptcy Code's distribution scheme?
- 5) Did the Bankruptcy Court err in holding that, as part of its "gatekeeper function," it can preemptively prevent Post-Closing Accident Plaintiffs from seeking punitive damages from New GM based on the conduct of Old GM even if those plaintiffs can demonstrate to the non-bankruptcy trial court that they are future claimants of New GM whose claims are not limited by the Sale Order and that New GM, as a successor to Old GM under applicable law, should be liable for punitive damages?

DESIGNATED ITEMS

Those certain Post-Closing Accident Plaintiffs represented by Butler Wooten & Peak LLP, Denney & Barrett, P.C., Hilliard Muñoz Gonzales L.L.P., and Turner & Associates, P.A. hereby designate the following items for inclusion in the record on appeal (including any exhibit, annex, or addendum thereto):

| <u>Description</u> | <u>Filing Date</u> | <u>Docket No.</u> |
|---|---------------------------|--------------------------|
| 1. Order to Show Cause, signed on 12/13/2016, Regarding Certain Issues Arising From Lawsuits With Claims Asserted Against General Motors LLC (“New GM”) That Involve Vehicles Manufactured by General Motors Corporation (“Old GM”) | 12/13/2016 | 13802 |
| 2. Opening Brief by General Motors LLC on the 2016 Threshold Issues Set Forth in the Order to Show Cause, Dated December 13, 2016 (Except for the Late Proof of Claim Issue) | 2/27/2017 | 13865 |
| 3. Plaintiffs’ Joint Opening Brief on the 2016 Threshold Issues | 2/27/2017 | 13866 |
| 4. Reply to Motion Reply Brief by General Motors LLC on the 2016 Threshold Issues Set Forth in the Order to Show Cause, Dated December 13, 2016 (Except for the Late Proof of Claim Issue) | 4/7/2017 | 13888 |
| 5. Plaintiffs’ Joint Reply Brief On The 2016 Threshold Issues | 4/7/2017 | 13889 |
| 6. Transcript Regarding Hearing Held on 4/20/2017 | 4/27/2017 | 13907 |
| 7. Transcript Regarding Hearing Held on 5/17/2017 | 5/19/2017 | 13943 |
| 8. Memorandum Opinion and Order Deciding Certain 2016 Threshold Issues | 7/12/2017 | 13992 |
| 9. Notice of Appeal filed by Those Certain Post-Closing Accident Plaintiffs Represented By Butler Wooten & Peak LLP, Denney & Barrett, P.C., Hilliard Muñoz Gonzales L.L.P., and Turner & Associates, P.A. | 7/26/2017 | 14007 |
| 10. Motion By General Motors LLC To Enforce the Bankruptcy Courts July 5, 2009 Sale Order And Injunction And The Rulings In Connection Therewith, With Respect To The Reichwaldt Plaintiff | 7/28/2017 | 14016 |

Dated: August 9, 2017

Respectfully submitted,

GOODWIN PROCTER LLP

By: /s/ William P. Weintraub

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